IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 27TH OCTOBER 2006 / 5TH KARTHIKA 1928

OP.No. 9977 of 1998(K)

PETITIONER:

T.J.RAJU, THOTTAMKARA HOUSE,
POOTHOTTA P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

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1. **GOVERNMENT OF KERALA, REP.BY ITS SECRETARY, DEPARTMENT OF LABOUR AND REHABILITATION , SECRETARIAT, THIRUVANANTHAPURAM.**

2. **DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUN D BOARD, ERNAKULAM.**

3. **THE DEPUTY TAHSILDAR(R.R.) KANAYANNUR TALUK, ERNAKULAM.**

4. **THE VILLAGE OFFICER, MANAKUNNAM.**

BY ADV. SRI.P.RAMAKRISHNAN
SMT.T.C.KRISHNA
GOVERNMENT PLEADER SRI.GEORGE KUTTY MATHEW

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NOS.17053/98,17054/98,20797/98 IN OP.9977/1998

DISMISSED

27.10.2006 **SD/- C.N.RAMACHANDRAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE FINAL DETERMINATION ORDER N O.B1-1214/88 EE 402 DT.31.8.75.

EXT.P2:- COPY OF THE ORDER DT.21.11.1995 NO.31386/R2/95/LBR.

EXT.P3:- COPY OF THE APPLICIATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT DT.12.12.95.

.EXT.P4:- COPY OF THE JUDGMENT IN OP. NO.18377/1996 K DT.22.11.1996.

EXT.P5:- COPY OF THE ORDER REQUIRING THE PETITIONER TO DEPOSIT THE AMOUNT WITH 9% INTEREST ALONG WITH 5% COLLECTION CHARGES.

EXT.P6:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE VILLAGE OFFICER, MANAKKUNAM DT.4.5.98.

/TRUE COPY/

tss

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.9977 of 1998

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Dated this the 27th day of October, 2006.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for Motor Transport Workers Welfare Fund Board. The dispute pertains to rate of interest which is fixed by the Government at 9% which is the statutory rate. So far as collection charge is concerned, this court has held that no collection charges shall be recovered for voluntary payments. Therefore, respondents are prohibited from recovering collection charges if payments are made voluntarily.

The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms